

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALAN DAVID CHAPPEL,

Petitioner,

No. CIV S-03-0132 FCD DAD P

vs.

SILVIA GARCIA, Warden,

Respondent.

ORDER

On July 11, 2006, respondent filed a motion to dismiss this action as moot based on petitioner's death. On July 12, 2006, counsel for petitioner also filed a motion for dismissal of this action due to petitioner's death.¹ The court will construe both parties' motions as a stipulation that this action be dismissed. Accordingly, IT IS HEREBY ORDERED that this action is dismissed pursuant to Fed. R. Civ. P. 41(a)

DATED: July 18, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:8:chap0132.159

¹ Petitioner's counsel informs the court in his motion that petitioner passed away on June 13, 2006. However, a death certificate attached to respondent's motion for dismissal reflects that petitioner died on June 12, 2005.